

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

United States of America
v.

GLENN DAVID NICKOLS

Defendant(s)

Case No. 21-mj-376-COL

FILED
MAY 12 2021
Mark C. McCart, Clerk
U.S. DISTRICT COURT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 22, 2021 through March 23, 2021 in the county of Delaware in the
Northern District of Oklahoma, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C § 2251(b)	Production of Child Pornography
18 U.S.C § 2241(c); 1151, 1152	Aggravated Sexual Abuse of a Child Under 12 Years of Age in Indian Country

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.M. Jackson, OSBI/HSI TFO
Complainant's signatureMelissa Jackson, OSBI Special Agent/HSI TFO
Printed name and titleSworn to by telephone before me and signed in my presence.Date: 5/12/2021 @ 4:47 p.m.City and state: Tulsa, OKChrisp. Little
Judge's signature
Chrisp. Little
United States Magistrate Judge
Printed name and title

AFFIDAVIT

1. I, Melissa Jackson, have been a Special Agent with the Oklahoma State Bureau of Investigation (OSBI) for two years during which I have been assigned to the Internet Crimes Against Children (ICAC) Unit and have been an ICAC Task Force Officer with OSBI since August 2014, investigating matters involving Crimes Against Children through technology. I have been assigned to Homeland Security Investigations as a Task Force Officer since February 2019. I have experience working cases involving the Production, Possession, and Distribution of Child Pornography.

2. On March 25th, 2021, OSBI Special Agent Melissa Jackson received Cybertip(s) 88035558 and 88046354 from the National Center for Missing and Exploited Children (NCMEC). The information contained within Cybertip #88035558, indicated Yahoo, Inc. had observed an individual email account sending several emails with attached files which appeared to be images and/or videos of what appeared to be Child Pornography. Yahoo, Inc. provided NCMEC with the Yahoo email account information involved in the dissemination of the Child Pornography imagery and/or videos. Yahoo reported supplemental information which included a review of non-reported images within the user's Yahoo account, one of which was an image of an Oklahoma Motorcycle Insurance Application bearing the name of "GLENN NICKOLS", "DOB: xx/xx/1982"¹, 26994 S. 516 RD, Afton, OK 74331-6414".

¹ The Date of Birth provided by Yahoo for "Glenn Nickols" was the true and correct Date of Birth of Glenn Nickols and therefore has been redacted from this Affidavit.

3. A search warrant issued upon the Yahoo Inc. account, davidsmith33382@yahoo.com, returned the emails within the “inbox” and “sent” folders, as well as the attachments for each email received and sent. On March 22, 2021, from 8:06 am through 8:17 am, and 10:22 pm through 10:27 pm, twelve (12) emails were sent from the above email address, all containing attachments. On March 23, 2021, from 8:28 am through 8:33 am, six (6) emails were sent from the above email address, all containing attachments. The attachments of the eighteen (18) emails in the “sent” folder contained a total of 107 images and 2 videos which depicted Child Pornography. The recovery email address was listed as alexander82.8269@gmail.com.

4. A search warrant was issued upon the Google account, alexander82.8269@gmail.com, and returned the subscriber name of “Alexander Nickols”, “DOB: xx/xx/1982”², “Sign-in Phone number (913)298-3890”. Google also returned Android Device Configuration Service Data, which indicated an Android device was associated with the account, specifically an Android device using Android ID 396463213876396897 and IMEI 015462000529789. Google reported User Accounts for the Android device included davidsmith33382@gmail.com, alexander82.8269@gmail.com, and alexstarr.8269@gmail.com.

5. A series of images and/or videos were observed by the Affiant within the Yahoo return, wherein an adult male is seen performing oral sex upon and fondling

² The Date of Birth provided by Google for the subscriber of alexander82.8269@gmail.com was the true and correct Date of Birth of the suspect in this case, Glenn Nickols, and therefore has been redacted from this Affidavit.

the genitalia of an unidentified pre-pubescent female under the age of 12. In several of the images within the series, an adult male is seen wearing a grey baseball cap backwards on his head with the word "Buckster" embroidered in black stitching on the side of it. The adult male is seen performing oral sex upon the pre-pubescent female while wearing the grey baseball cap. The adult male is also seen in images without the baseball cap, exposing his face and hair. In several of the images, the pre-pubescent female can be seen lying on a bed, fully unclothed, with a shiny blue blanket underneath her. On the wall beside the bed is a poster type wall hanging with an unidentified white object on it, surrounded by other colored objects. Images are seen with the pre-pubescent female lying on her back, fully unclothed, with both hands handcuffed together and placed above her head and a blue ribbon or blue tape across her mouth. Images are also seen with the child lying on her back, fully unclothed, with both hands handcuffed together above her head without the blue ribbon or blue tape on her mouth, with her legs spread apart and black ankle restraints on both ankles with black straps hooked to each ankle strap. The straps appear as though they extend downward off the bed on each side. Other images depict the same child lying on the same bed, wearing a pink colored shirt raised above her breasts while an adult male is performing oral sex on her.

6. A video was located, approximately 15 seconds in length, showing a pre-pubescent female lying on the same blue blanket with her legs spread. The left hand of a male wearing a gold ring on his pinky finger can be seen spreading her vagina open with his index finger, middle finger, and ring finger, and rubbing inside the

vagina between the labia's with his middle finger as the pre-pubescent female pulls away from him. The pre-pubescent female can be seen moving her mouth as if she was talking to the adult male, however the video has no sound. The video was produced in a close-up fashion so the pre-pubescent's entire face is not depicted, only her mouth. The Affiant has reason to believe the pre-pubescent female in the video is the same female seen wearing the handcuffs and ankle restraints. The same pre-pubescent female is seen in another image lying down, fully unclothed and lying on a light blue blanket and a pink colored pillow. The pre-pubescent can be seen spreading her vagina open with her own hands while the image was taken. A few of the images appear to be screen shots from a video due to the video reel being located at the bottom of the image.

7. On April 16, 2021, based on NICKOLS' non-tribal affiliation, an arrest warrant was issued in Delaware County, Oklahoma for one count of Aggravated Possession of Child Pornography and one count of Distribution of Child Pornography.

8. On May 4, 2021, NICKOLS was arrested in Ottawa County, Oklahoma on the Delaware County, Oklahoma warrant.

9. On May 5, 2021, NICKOLS was interviewed, under Miranda Warning, at the Delaware County Jail, in Delaware County, Oklahoma. NICKOLS identified himself as being the adult male seen in the images performing oral sex upon a pre-pubescent female. NICKOLS identified the pre-pubescent female as M.V. (a 6 year old child), the biological child of an adult female he was in a dating relationship with at the time. NICKOLS stated the abuse took place approximately during the summer

of 2020. NICKOLS stated the sexual abuse and production of the images located within the Yahoo email account and identified by NICKOLS, took place at his residence, located at 26994 S. 516 Road, Afton, Oklahoma, within the jurisdiction of Delaware County, Oklahoma, in the Northern District of Oklahoma and the Cherokee Reservation. NICKOLS confirmed he was the owner of email account(s) alexander82.8269@gmail.com, alexstarr.8269@gmail.com, and davidsmith33382@yahoo.com. NICKOLS stated he was changing cell phones and was trying to move the images and videos to the new phone and emailed the images and videos to himself in an attempt to do just that using the account davidsmith33382@yahoo.com. NICKOLS stated the child's mother would bring the child to NICKOLS' residence for NICKOLS to babysit her while the mother worked. NICKOLS stated the sexual abuse would take place during the time that he was "watching" the child. The interview was audio and video recorded.

10. On May 5, 2021, the Affiant contacted the Cherokee Nation of Oklahoma regarding the tribal affiliation for M.V. (a 6 year old child), and confirmed the minor child is in fact a member of the Cherokee Nation of Oklahoma. NICKOLS is not a member of any federally recognized Indian Tribe.

11. It is a violation of 18 United States Code section 2251(b) for any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct. It is a violation

of 18 United States Code section 2241(c) to knowingly engage in a sexual act with another person who has not attained the age of 12 years. 18 United States Code section 1151 defines the term "Indian country", (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. 18 United States Code section 1152 extends the general laws of the United States as to the punishment of offenses committed in Indian Country against Indians.

M. Jackson, OSBI / HSI TFO
Melissa Jackson
OSBI Special Agent
HSI Task Force Officer

by telephone
Subscribed and sworn to before me on this 12th day of May, 2021.

Christine D. Little
Honorable Christine D. Little
UNITED STATES MAGISTRATE JUDGE